

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Angela Tyner, <i>individually and as</i>)	
<i>Personal Representative of the Estate</i>)	
<i>of Joey Matthew Tyner,</i>)	
)	
Plaintiff,)	Civil Action No. 2:17-cv-2131-BHH
)	
v.)	
)	
Kershaw County; Kershaw County)	<u>ORDER</u>
Sheriff's Office; Southern Health)	
Partners; and Charles Bush, M.D.,)	
)	
Defendants.)	
)	

This matter is before the Court upon Plaintiff's motion to remand this action to the Kershaw County Court of Common Pleas. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations. On December 4, 2017, Magistrate Judge Mary Gordon Baker issued a Report and Recommendation ("Report") outlining the issues and recommending that the Court grant Plaintiff's motion to remand. Attached to the Report was a notice advising the parties of their right to file written objections to the Report within fourteen days of being served with a copy. To date, no objections have been filed.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole

or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Here, because no objections were filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge that Defendants’ removal of this action was improper.

Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 23) and incorporates it herein, and the Court grants Plaintiff’s motion to remand this action to the Kershaw County Court of Common Pleas (ECF No. 8).

IT IS SO ORDERED.

/s/Bruce H. Hendricks

The Honorable Bruce Howe Hendricks
United States District Judge

December 21, 2017
Charleston, South Carolina